

**REMARKS**

Applicant submits this Reply to the final Office Action mailed June 1, 2007. By this Reply, Applicant proposes to amend claims 15 and 29. Accordingly, claims 15 and 19-33 remain pending in this application. The originally-filed application fully supports the subject matter of amended claims 15 and 29. Thus, this Reply introduces no new matter.

In the Office Action, claims 15, 19-22, and 25-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,112,823 to Liberman et al. ("Liberman"); and claims 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liberman in view of U.S. Patent No. 4,522,551 to Henneberry ("Henneberry"). Applicant respectfully traverses these rejections for the reasons provided below.

With respect to independent claim 15, Liberman fails to disclose, among other things, "a speed control operatively connected to the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke; and wherein the speed control automatically changes the fluid input to the cylinder based on the position of the cylinder during the extension stroke." Liberman discloses a "control apparatus for an intermittently extended hydraulic cylinder . . . which governs cylinder elongation such that the rate of elongation is essentially constant with respect to time." Liberman, Abstract. Liberman further discloses that "[t]o determine the proper time period for an hydraulic cylinder to be regulated such that cylinder elongation is intermittent and an essentially constant

function with respect to time, the length of the cylinder stroke is subdivided into a plurality of equal length intervals.” Liberman, col. 4, ll. 14-18. Liberman adds that “by controlling the time interval between length increments, the overall time required to completely extend an hydraulic cylinder may be varied.” Liberman, col. 4, ll. 43-45. Liberman further adds that “[m]ore specifically, the time periods during which the length increments occur will require the same total length of time regardless of any time delay interval interposed between consecutive length increments.” Liberman, col. 4, ll. 46-49.

Liberman fails to disclose “a speed control operatively connected to the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke; and wherein the speed control automatically changes the fluid input to the cylinder based on the position of the cylinder during the extension stroke,” as recited in claim 15. Instead, Liberman discloses that “by controlling the time interval between length increments, the overall time required to completely extend an hydraulic cylinder may be varied.” Liberman, col. 4, ll. 43-45. Whereas the claimed invention recites a “speed control,” Liberman discloses “controlling the time interval between length increments.” Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 15 and its dependent claims 19-22 and 26-28.

Regarding independent claim 29, Applicant again submits that Liberman fails to disclose each and every element of the claim. For example, Liberman fails to disclose, among other things, that “the motor is configured to receive a first input to drive the ejector at a first speed during a first portion of an ejection stroke and receive a second input, different from the first input, to drive the ejector at a second speed during a

second portion of the ejection stroke,” as recited in claim 29. Liberman discloses that a “suitable conventional constant flow hydraulic pump 60 (FIG. 4) is driven by a conventional motor 62 and supplies pressurized fluid to an hydraulic pressure system.” Liberman, col. 5, ll. 28-31. Liberman fails to disclose or suggest that the motor “is configured to receive a first input to drive the ejector at a first speed during a first portion of an ejection stroke and receive a second input, different from the first input, to drive the ejector at a second speed during a second portion of the ejection stroke,” as recited in claim 29. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 29 and its dependent claims 30-33.

Claims 23 and 24 depend from claim 15 and include all the limitations of claim 15. With respect to the rejection of claims 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Liberman in view of Henneberry, Applicant submits that Liberman either alone or in combination with Henneberry does not disclose each and every element of claims 23 and 24 because Henneberry fails to remedy the deficiencies of Liberman noted above with respect to independent claim 15. For example, Henneberry fails to disclose or suggest, among other things, “a speed control operatively connected to the cylinder and automatically changing the fluid input to the cylinder to operate the cylinder at the first speed during the second portion of the extension stroke; and wherein the speed control automatically changes the fluid input to the cylinder based on the position of the cylinder during the extension stroke,” as required by independent claim 15.

Henneberry discloses that a “hydraulic flow control system 28 includes a reservoir or tank 29 for supplying hydraulic pressure fluid via suction line 30, preferably

containing a strainer or filter 31 for the usual purposes, to a pump 32 . . .” Henneberry, col. 10, ll. 22-25. As fully developed above, Liberman too fails to disclose the recitation of claim 15 set forth above. In addition, the Examiner has not provided an explanation as to why the differences between Liberman and Henneberry, and the claimed elements would have obvious to one of ordinary skill in the art, as required. MPEP § 2141(III). Accordingly, claims 23 and 24 are allowable for at least the same reasons that claim 15 is allowable. Withdrawal of the 35 U.S.C. § 103(a) rejected is respectfully requested.

In view of the foregoing remarks, Applicant submits that the claimed invention is not anticipated or rendered obvious by the prior art references cited against this application. Applicant therefore requests withdrawal of the rejections and timely allowance of all pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Reply, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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